

PROB 12C  
(Rev. 2/13)

# UNITED STATES DISTRICT COURT

for

## DISTRICT OF NORTH DAKOTA

### AMENDED Petition for Warrant or Summons for Person under Supervision

Name of Person Under Supervision: Medicine Bird Morsette Case Number: 0868 1:21CR00072

Name of Sentencing Judicial Officer: Daniel L. Hovland, U.S. District Court Judge

Date of Original Sentence: November 23, 2021

Date of Revocation Sentence: January 26, 2023

Original Offense: Failure to Update Sex Offender Registration

Original Sentence: 15 months with credit for time served, 60 months supervised release

Revocation Sentence: 6 months with credit for time served, 36 months supervised release

Type of Supervision: TSR

Date Supervision Commenced: 4/21/2023

Asst. U.S. Attorney: Rick L. Volk

Defense Attorney: Irvin B. Nodland

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### PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the person under supervision has violated the following condition(s) of supervision:

<u>Violation No.</u>	<u>Nature of Noncompliance</u>
1.	<b>During a home visit on October 11, 2023, there were two unauthorized smart phones in plain view.</b> This is in violation of special condition number three prohibiting possession and/or use of computers or other electronic communications or data storage devices or media unless approved by your supervising probation officer.
2.	<b>A search of one of the unauthorized smart phones revealed Mr. Morsette had contact with a minor female without prior approval.</b> This is in violation of special condition number one prohibiting direct contact with minors without prior approval from the supervising officer.

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3. **On July 18, 2023, and October 11, 2023, Mr. Morsette possessed dangerous weapons, specifically a switchblade knife and a sword.** This is in violation of standard condition number ten which states the defendant must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon.
4. **Mr. Morsette went to a motel to see his brother on September 23, 2023, which was not an authorized destination.** This is in violation of special condition number one ordered during the revocation hearing in January 2023, requiring nine months of home confinement with all activities pre-approved by the supervising probation officer.
5. **On October 6, 2023, Mr. Morsette reported to Centre, Inc. for drug testing and was positive for methamphetamine and amphetamine. Prior to providing the sample he attempted to tamper with the testing by pouring a liquid into the testing cup. The sample was confirmed positive by the laboratory.** This is in violation of special condition number eleven requiring Mr. Morsette totally abstain from the use of alcohol and illegal drugs or the possession of a controlled substance.
6. **On August 18, 2023, Mr. Morsette tested positive for amphetamine, methamphetamine, and marijuana. The laboratory confirmed the results.** This is in violation of special condition number eleven requiring Mr. Morsette totally abstain from the use of alcohol and illegal drugs or the possession of a controlled substance.
7. **Mr. Morsette admitted using methamphetamine and marijuana on October 9, 2023. He signed an admission form at the U.S. Probation office on October 11, 2023.** This is in violation of special condition number eleven requiring Mr. Morsette totally abstain from the use of alcohol and illegal drugs or the possession of a controlled substance.
8. **On September 7, 2023, Mr. Morsette was directed to have no further contact with Sunrise Walker due to her ongoing substance abuse issues. On October 11, 2023, Ms. Walker was attempting to leave the residence through the garage when USPOs arrived at the residence for a home visit.** This is in violation of the standard condition number eight which prohibits the person under supervision from communicating or interacting with someone you know is engaged in criminal activity. Additionally, the person under supervision must receive prior permission from the probation officer to knowingly communicate or interact with a person convicted of a felony.
9. **On August 22, 2023, during a home visit with Mr. Morsette a Wi-Fi router was discovered on his bed. He was not approved to have internet access.** This is in violation of the special conditions of supervised release requiring he get internet access approved by his supervising probation officer.
10. **During a home visit on August 8, 2023, Mr. Morsette's brother, Henry Smith, was located at the residence. Mr. Smith has a criminal record and had recently been released from a federal prison facility. Mr. Morsette did not have approval to allow Mr. Smith to stay at his home. Mr. Morsette was also in contact with other individuals on active federal supervision.** This is in violation of the standard condition number eight which prohibits the person under supervision from communicating or interacting with someone you know is engaged in criminal activity. Additionally, the person under supervision must receive prior permission from the probation officer to knowingly communicate or interact with a person convicted of a felony.

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11.

**Mr. Morsette was viewing sexually explicit material on his unauthorized smart phone. The treatment provider advised this would compromise his sex offense specific treatment. This is in violation of special condition number which prohibits Mr. Morsette from viewing any sexually explicit materials which would compromise his sex offense specific treatment.** This is in violation of special condition number six which prohibits Mr. Morsette from viewing or possessing any visual depiction including photograph, film, video, picture, or computer generated image of sexually explicit conduct that would compromise sex offense specific treatment.

U.S. Probation Officer Recommendation: This amended petition is filed to correct the numbering of the allegations and add one additional allegation, number eleven. A warrant was previously issued for Mr. Morsette and he is in custody.

- ☐ The term of supervision should be:
- ☒ Revoked.
- ☐ Extended for \_\_\_\_\_ years, for a total term of \_\_\_\_\_ years.
- ☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 16, 2023

/s/ Heather Klemetson  
U.S. Probation Officer

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THE COURT ORDERS:

- ☐ No Action.
- ☐ The Issuance of a Warrant/Matter Sealed Pending Arrest.
- ☐ The Issuance of a Summons.
- ☒ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

Oct. 20, 2023  
\_\_\_\_\_  
Date